

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000321	International filing date (day/month/year) 03 février 2003 (03.02.2003)	Priority date (day/month/year) 05 février 2002 (05.02.2002)
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant FRANCE TELECOM et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 25 août 2003 (25.08.2003)	Date of completion of this report 11 June 2004 (11.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/000321

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-11, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-9, filed with the letter of 05 May 2004 (05.05.2004),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/2-2/2, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-B1-6 272 151 (CHEN YU-REN BRIAN ET AL) 7
August 2001 (2001-08-07)

D2: WO 01/26301 A (WIPLIEZ CHRISTIAN; FARCY DAVID
(FR); BOURBAO MICHEL (FR); FRANCE T) 12 April
2001 (2001-04-12)

2. Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the reference signs between parentheses apply to this document):

A method for conveying at least one first stream with a first service quality and at least one second stream transmitted with a second service quality to a single customer terminal (column 30, lines 37-41), via a content server after network resources having a service quality have been reserved (column 31, lines 22-29), characterised in that it further comprises the following steps:

- establishing a high-rate connection between the customer terminal and the content server (column 31, lines 22-29),

- multiplexing the first and second streams into a single stream (figure 22 and column 31, lines 30-37), and
- transmitting the resulting multiplex to the customer terminal via said high-rate connection (figures 1 and 21 to 24, and column 30, lines 15-65).

The subject matter of claim 1 differs from document D1 in that the reservation of network resources having a service quality is achieved by exchanging messages over a non-connected network.

The objective problem that the present invention is intended to solve can thus be considered to be that of using the existing control means of a non-connected network to establish a high-rate connection enabling data to be transmitted with a guaranteed service quality.

Neither this problem nor the solution thereto are described or suggested in the above-mentioned document D1.

It should be noted that although document D2, which is cited by the applicant, describes a method for reserving the network resource with a service quality by exchanging messages over a non-connected network, it would never occur to a person skilled in the art to combine the subject matter of document D1 with that of D2, since the problem solved by document D2 is not suggested at all in D1.

It follows that the subject matter of claim 1 is novel (PCT Article 33(2)) and involves an inventive

step (PCT Article 33(3)).

3. In system terms, the subject matter of independent claim 5 matches the subject matter of method claim 1.

For reasons similar to those discussed under point 2, it may be concluded that the subject matter of claim 5 is also novel and inventive.

4. Claims 2 to 4 and 6 to 9 are all dependent on claims 1 or 5 and therefore are also novel and inventive.